



General Assembly

Substitute Bill No. 6784

January Session, 2005

* HB06784ENV__032905__ *

AN ACT CONCERNING THE LICENSING OF POULTRY DEALERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

2 (1) "Commissioner" means the Commissioner of Agriculture.

3 (2) "Dealer" means any person, firm or corporation engaged in the
4 business of buying, receiving, selling, bartering, exchanging,
5 negotiating or soliciting the sale, resale or exchange of live poultry or
6 hatching eggs or a person, firm or corporation engaged in the
7 transportation, transfer or shipment of any live poultry or hatching
8 eggs or a producer who is a wholesaler, distributor or hauler of live
9 poultry or hatching eggs.

10 (3) "Hauler" means any person, firm or corporation that transports
11 live poultry or hatching eggs from premises to premises, to a
12 distributor, to a live bird market or to a dealer.

13 (4) "Live bird market" means a facility at which live poultry or
14 hatching eggs are congregated for sale or to be slaughtered and
15 dressed for sale to the public or restaurants or to be sold live for any
16 purpose.

17 (5) "Poultry" means any species of domestic fowl, including, but not
18 limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries,

19 waterfowl and game birds raised for food production, breeding,
20 exhibition or sale.

21 (6) "Producer" means any person, firm or corporation engaged in
22 the breeding, raising or keeping of poultry for the purpose of food
23 production, hatching egg production or for show or exhibition.

24 (b) Annually, each poultry dealer conducting business within the
25 state shall apply for a license upon forms furnished by the
26 commissioner. The license fee shall be established pursuant to
27 subsection (f) of this section. Youth groups that are exempt from
28 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986,
29 or any subsequent corresponding internal revenue code of the United
30 States, as from time to time amended, shall be exempt from the
31 payment of the license fee. The commissioner shall issue such license
32 unless, in the commissioner's sole discretion, the commissioner deems
33 it in the best interest of the public to refuse issuance thereof. In
34 refusing to issue a license, the commissioner shall give due regard to
35 whether the applicant has had such a license previously revoked or
36 suspended or has violated any state or federal law or regulation
37 concerned with interstate transport of live poultry and hatching eggs
38 or live poultry health requirements. Each license shall be
39 nontransferable and shall be in effect from July first through the last
40 day of June of the next succeeding year.

41 (c) Each license shall be shown, upon request, to any person with
42 whom the licensee conducts or proposes to conduct business.

43 (d) Any poultry dealer licensed under this section shall keep
44 accounts and records that fully and clearly disclose all transactions
45 related to the conduct of such dealer's business. Such records shall be
46 made available at any time for inspection by the commissioner or the
47 commissioner's authorized agent for the purpose of determining the
48 origin and destination of any live poultry handled by the dealer.
49 Information relating to the general business of the dealer that is
50 disclosed in the course of an inspection by the commissioner or by the

51 commissioner's authorized agent and that is not related to the
52 immediate purpose of the inspection shall be confidential and not
53 disclosed except as required by law.

54 (e) The provisions of this section do not apply to any person, firm or
55 corporation that is only a producer, except that a producer who
56 transports live poultry directly to a live bird market, wholesaler,
57 distributor or other dealer shall be deemed a hauler and subject to the
58 provisions of this section.

59 (f) The Commissioner of Agriculture may adopt regulations, in
60 accordance with the provisions of chapter 54 of the general statutes, to
61 ensure compliance with this section and to ensure the public health
62 and safety. Such regulations shall include: (1) Sanitation standards for
63 vehicles, crates, facilities and other appurtenances used to transport
64 and hold poultry or hatching eggs, both in transit and at any place
65 where poultry or hatching eggs are held for the purposes of being sold
66 or offered for sale; (2) the health requirements for poultry and hatching
67 eggs, including, but not limited to, required tests, vaccinations or other
68 methods used to prevent poultry disease; (3) the manner and form of
69 records to be kept, including, but not limited to, identification of the
70 origin of poultry or hatching eggs, poultry animal health records, test
71 results or copies of sales records and dates; (4) individual bird and
72 premise identification; and (5) the fee for a poultry dealer license.

73 (g) The commissioner may: (1) Revoke or suspend a poultry dealer's
74 license, or (2) assess an administrative civil penalty pursuant to section
75 22-7 of the general statutes for a violation of this section.

76 Sec. 2. Section 51-164n of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective from passage*):

78 (a) There shall be a Centralized Infractions Bureau of the Superior
79 Court to handle payments or pleas of not guilty with respect to the
80 commission of infractions and violations under subsection (b) of this
81 section. Except as provided in section 51-164o, any person who is
82 alleged to have committed an infraction or a violation under

83 subsection (b) of this section may plead not guilty or pay the
84 established fine and any additional fee or cost for the infraction or such
85 violation.

86 (b) Notwithstanding any provision of the general statutes, any
87 person who is alleged to have committed (1) a violation under the
88 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
89 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
90 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
91 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
92 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
93 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
94 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
95 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
96 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
97 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
98 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
99 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
100 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
101 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
102 14-153 or 14-163b, a first violation as specified in subsection (f) of
103 section 14-164i, section 14-219 as specified in subsection (e) of said
104 section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of
105 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,
106 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-
107 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
108 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
109 (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22,
110 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
111 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,
112 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
113 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
114 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301,
115 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502,
116 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of

117 section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-
 118 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30,
 119 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-
 120 77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159,
 121 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36,
 122 [22-37,] 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54,
 123 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-
 124 318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section
 125 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or
 126 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-
 127 256h, subsection (a) of section 22a-381d, section 22a-449, 22a-461, 23-37,
 128 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-
 129 37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
 130 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,
 131 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-
 132 109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-
 133 341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
 134 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
 135 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)
 136 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b
 137 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-
 138 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-
 139 54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or
 140 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-
 141 249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323,
 142 53-331, 53-344 or 53-450, or (2) a violation under the provisions of
 143 chapter 268, or (3) a violation of any regulation adopted in accordance
 144 with the provisions of section 12-484, 12-487 or 13b-410, shall follow
 145 the procedures set forth in this section.

146 (c) If any person who is alleged to have committed an infraction or
 147 any violation specified in subsection (b) of this section elects to pay the
 148 fine and any additional fees or costs established for such infraction or
 149 violation, he shall send payment, by mail or otherwise, to the
 150 Centralized Infractions Bureau, made payable to the "clerk of the

151 Superior Court". Such payment shall be considered a plea of nolo
152 contendere and shall be inadmissible in any proceeding, civil or
153 criminal, to establish the conduct of the person, provided the
154 provisions of this section and section 51-164m shall not affect the
155 application of any administrative sanctions by either the
156 Commissioner of Environmental Protection authorized under title 26
157 or the Commissioner of Motor Vehicles authorized under title 14,
158 except that no points shall be assessed by the Commissioner of Motor
159 Vehicles against the operator's license of such person for such
160 infraction or violation. The Judicial Department shall provide notice of
161 the provisions of this subsection to law enforcement agencies and
162 direct each law enforcement agency issuing a complaint to provide
163 such notice to any person who is alleged to have committed a motor
164 vehicle infraction or violation at the time a complaint alleging such
165 conduct is issued to such person.

166 (d) If the person elects to plead not guilty, he shall send the plea of
167 not guilty to the Centralized Infractions Bureau. The bureau shall send
168 such plea and request for trial to the clerk of the geographical area
169 where the trial is to be conducted. Such clerk shall advise such person
170 of a date certain for a hearing.

171 (e) A summons for the commission of an infraction or of a violation
172 specified in subsection (b) of this section shall not be deemed to be an
173 arrest and the commission of an infraction or of any such violation
174 shall not be deemed to be an offense within the meaning of section 53a-
175 24.

176 (f) The provisions of this section shall apply to the alleged
177 commission of an infraction or a violation specified in subsection (b) of
178 this section by a minor but, in a case involving a minor, a parent or
179 guardian shall sign any plea of nolo contendere or of not guilty on any
180 summons form issued in connection with the matter.

181 (g) In any trial for the alleged commission of an infraction, the
182 practice, procedure, rules of evidence and burden of proof applicable

183 in criminal proceedings shall apply. Any person found guilty at the
184 trial or upon a plea shall be guilty of the commission of an infraction
185 and shall be fined not less than thirty-five dollars or more than ninety
186 dollars.

187 (h) In any trial for the alleged commission of a violation specified in
188 subsection (b) of this section, the practice, procedure, rules of evidence
189 and burden of proof applicable in criminal proceedings shall apply.
190 Any person found guilty at the trial or upon a plea shall be guilty of
191 the commission of a violation and shall be fined not more than the
192 statutory amount applicable to such violation.

193 Sec. 3. Section 51-344a of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective from passage*):

195 (a) Whenever the term "judicial district of Hartford-New Britain" or
196 "judicial district of Hartford-New Britain at Hartford" is used or
197 referred to in the following sections of the general statutes, it shall be
198 deemed to mean or refer to the judicial district of Hartford on and after
199 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-
200 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,
201 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-
202 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-
203 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,
204 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-
205 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-
206 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,
207 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,
208 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,
209 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,
210 21a-190i, 21a-196, 22-7, [22-37,] 22-64, 22-195, 22-228, 22-248, 22-254, 22-
211 320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34,
212 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-163m,
213 22a-167, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-
214 226, 22a-226c, 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g,
215 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-

216 408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-
 217 65m, 25-32e, 25-36, 28-5, 29-158, 29-161z, 29-317, 29-323, 29-329, 29-334,
 218 29-340, 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-
 219 284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-
 220 471a, 36a-494, 36a-517, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-
 221 26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-
 222 52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-
 223 225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-
 224 774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-
 225 110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-
 226 44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

227 (b) If the term "judicial district of Hartford-New Britain" or "judicial
 228 district of Hartford-New Britain at Hartford" is used or referred to in
 229 any public act of 1995, 1996, 1997 or 1998 or in any section of the
 230 general statutes which is amended in 1995, 1996, 1997 or 1998 it shall
 231 be deemed to mean or refer to the judicial district of Hartford on and
 232 after September 1, 1998.

233 (c) If the term "judicial district of Hartford-New Britain at New
 234 Britain" is used or referred to in any public act of 1995, 1996, 1997 or
 235 1998 or in any section of the general statutes which is amended in 1995,
 236 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial
 237 district of New Britain on and after September 1, 1998.

238 Sec. 4. Section 22-37 of the general statutes is repealed. (*Effective from*
 239 *passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	51-164n
Sec. 3	<i>from passage</i>	51-344a
Sec. 4	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In section 1(b), "Not-for-profit youth groups" was deleted and "Youth groups that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code" was added for clarity. In section 1(f), "license" was added after "dealer" for consistency with section 1(b). Sections 2 and 3 were added to delete statutory references to section 22-37, which is being repealed, and section 2 was renumbered as section 4.

ENV *Joint Favorable Subst.*